

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BENJAMIN AVILA,)
)
Plaintiff,) 4:12CV3012
)
v.)
) MEMORANDUM AND ORDER
UNITED STATES DEPARTMENT OF)
COMMERCE, and LORI)
MCCALISTER, Individually and in her)
capacity as Assistant Manager,)
Recruitment Bureau of the Census,)
)
Defendants.)

This matter is before the court on the plaintiff's application for leave to proceed in forma pauperis (IFP). Upon review of the plaintiff's financial affidavit, the plaintiff is provisionally granted leave to proceed IFP. Accordingly,

IT IS ORDERED:

- 1) The plaintiff's application for leave to proceed in forma pauperis is granted, and the complaint shall be filed without payment of fees.
- 2) The Clerk of Court shall send a copy of this Memorandum and Order together with three summons forms and three Form 285 to the plaintiff's attorney of record for service of process on the United States.
- 3) If requested to do so, the United States Marshal shall serve all process in this case without prepayment of fees from the Plaintiff. In making such a request, Plaintiff's counsel must complete the Marshal's Form 285, to be submitted to the Marshal with the completed summons forms and copies of the Complaint. In the absence of those forms, service of process by the Marshal cannot occur.
- 4) This order is entered without prejudice to the court later entering an order taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

January 24, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge